

SB 1640 (Kuehl)

Background and Summary

Problem:

There have always been significant gaps in our understanding of the ways in which people use water, how they manage water, and how they plan to meet the needs of California's growing population. The economy and well-being of our state depends on an affordable and reliable supply of water, and if we hope are to accommodate growth, preserve agriculture, and protect and restore our natural resources, we need to:

1. Improve the reporting of the ways in which water rights holders are using their rights. This would allow local groundwater agencies and other local water managers to manage their resources more effectively.
2. Make our process for water resources planning more open to those who wish to participate in the planning, as well as to those who want to know what the plan is.

Background:

Last year, Senator Kuehl introduced SB 820 to help fill the critical information gaps that currently hinder effective water resources planning. The bill would have reinforced existing water rights reporting requirements, promoted local management of groundwater basins, made urban water management planning more open and transparent, reinstated agricultural water management planning, and ensured that this information would be made widely available to all who need it.

Specifically, SB 820, as it passed both the Senate and Assembly, would have:

- Established in statute the requirement that DWR produce a biennial SWP reliability report.
- Expanded the groundwater reporting requirements that have been law for the last 50 years in Southern California to the rest of the state for extractions over 25 acre-feet per year, with a number of significant exceptions.

- Established reasonable consequences for failing to file statements of annual diversion or use.
- Required the California Water Plan to evaluate the amount of energy both produced by and required by each water management strategy, beginning with the plan due in 2013.
- Established a more explicit public process for preparing and adopting urban water management plans, beginning with the plans due in 2010.
- Required local groundwater agencies to update their groundwater plans by December 31, 2008, and every 5 years thereafter.
- Revived and revised existing law relating to agricultural water management planning to require every agricultural water supplier to prepare and adopt an agricultural water management plan by December 31, 2010, and every 5 years thereafter.
- Required DWR to update its groundwater report by January 1, 2010, and every 5 years thereafter.

Unfortunately, Governor Schwarzenegger vetoed SB 820. In his veto statement, the Governor wrote:

“This bill is a very comprehensive measure that attempts to address a host of water rights issues, including surface and groundwater, in one bill. While the author should be recognized for the effort on urban water management plans, energy consumption associated with water use, and surface water diversion reports, the bill is flawed by only reviewing half the groundwater equation. By mandating extraction reports without analysis of recharge, groundwater quality, basin composition, and other issues essential to understanding the health of the groundwater basin, this bill creates a significant burden on property owners that will not provide the information necessary to lead to sustainable decision making.”

SB 1640

In response, Senator Kuehl has introduced SB 1640. This bill is identical to the final version of SB 820, with one important exception. Instead of including the groundwater reporting requirements that the Governor found objectionable, SB 1640 takes a different approach. As introduced, SB 1640 includes the following:

SECTION 1. It is the intent of the Legislature that all of the following occur:

(a) That all groundwater basins and subbasins be locally managed pursuant to a locally developed groundwater management plan that was developed in an open public process and that the groundwater management plan be made freely and widely available.

(b) That all groundwater basins and subbasins be regularly and systematically monitored for depth to groundwater and that the groundwater data be made freely and widely available.

(c) That, for those groundwater basins and subbasins not being locally managed, voluntary cooperative groundwater monitoring associations be allowed to form to regularly and systematically monitor depth to groundwater and that the groundwater data be made freely and widely available.

(d) That, for those groundwater basins and subbasins not being locally managed and that are not monitored by cooperative groundwater monitoring associations, the Department of Water Resources be required to regularly and systematically monitor depth to groundwater and to assess a fee to well owners within the department monitored area to recover the costs directly related to the monitoring.

Senator Kuehl and her staff are now working with all interested parties to craft language to turn that intent into action.

Conclusion:

Now is the time to address water planning in general and groundwater management in particular. More than nine million Californians rely on groundwater as their sole source of supply, and the demands on groundwater are growing. According to PPIC's recent report "Water for Growth: California's New Frontier," "Groundwater is the largest single source of new supplies projected by the [urban water management plans], and two-thirds of the increase is projected in areas outside fully managed basins. In some of these areas, conflicts have already begun to emerge, as developers plan to use groundwater to supply new housing projects."

The provisions of SB 1640 will help ensure that future water management plans are of high quality, developed in open and transparent processes, and based on accurate assessments of water use and groundwater conditions.